



January 24, 2014

HOUSE BILL No. 1217

DIGEST OF HB 1217 (Updated January 22, 2014 11:26 am - DI 84)

Citations Affected: IC 15-12.

Synopsis: Single contact point for wetland work permits. Requires the department of natural resources (DNR), whenever it is contacted by a person who intends to remove an obstruction or do similar work in or near a stream or in a wetland area, to: (1) analyze the work that the person intends to do; (2) inform the person of whether, in order to do the work, the person is required to obtain a water quality certification from the department of environmental management (IDEM), a permit from IDEM for wetland activity in a state regulated wetland, or a permit from the director of DNR for a structure, obstruction, deposit, or excavation in a floodway; (3) provide the person with an application form and, if necessary, assist the person in completing the application; (4) receive the completed application and transmit it to the appropriate office for processing; (5) monitor the processing of the application and contact the person about supplying any additional information that is needed; and (6) when the permit is granted, transmit the permit to the person. Requires DNR to carry out its responsibilities with respect to each permit needed by the person if the person needs more than one permit. Authorizes the adoption of rules.

Effective: July 1, 2014.

Davisson, Lehe

January 15, 2014, read first time and referred to Committee on Environmental Affairs.
January 23, 2014, reported — Do Pass.

HB 1217—LS 6336/DI 55



January 24, 2014

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1217

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 15-12-6 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2014]:

4 **Chapter 6. Single Point of Contact for Wetland Work Permits**

5 **Sec. 1. The following definitions apply throughout this chapter:**

6 (1) "Appropriate office" means, with respect to a particular
7 applicant, the office within the department of natural
8 resources or the department of environmental management
9 that is the office designated to receive applications for the type
10 of permit needed by the applicant, based upon the wetland
11 work proposed by the applicant, as disclosed in the applicant's
12 application.

13 (2) "Permit" means any of the following:

14 (A) A water quality certification from the department of
15 environmental management under IC 13-13-5-1(1) and
16 Section 401 of the federal Clean Water Act (33 U.S.C.

HB 1217—LS 6336/DI 55



1341).

(B) A permit from the department of environmental management for wetland activity in a state regulated wetland under IC 13-18-22.

(C) A permit from the director of the department of natural resources for a structure, obstruction, deposit, or excavation in a floodway under IC 14-28-1.

(3) "Wetland work" means the removal of an obstruction or similar work in or near a stream or in a wetland area for which a permit might be required.

Sec. 2. (a) After December 31, 2014, when a person who intends to do wetland work contacts the department of natural resources about the proposed wetland work, the department of natural resources shall do the following:

(1) Analyze the proposed wetland work as described by the person.

(2) Obtain any other information needed for purposes of subdivision (3), including information on the legal status of the area in which the proposed wetland work would be done.

(3) Inform the person of whether the person is required to obtain:

(A) a water quality certification from the department of environmental management under IC 13-13-5-1(1) and Section 401 of the federal Clean Water Act (33 U.S.C. 1341);

(B) a permit from the department of environmental management for wetland activity in a state regulated wetland under IC 13-18-22; or

(C) a permit from the director of the department of natural resources for a structure, obstruction, deposit, or excavation in a floodway under IC 14-28-1;

in order to do the proposed wetland work.

(4) Provide the person with:

(A) the application form prepared under section 3 of this chapter; and

(B) any assistance the person needs in completing the application.

(5) Receive the application from the person when it is completed and transmit the application to the appropriate office that is responsible for issuing the permit needed by the applicant, based on the wetland work proposed by the applicant, as disclosed in the applicant's application.



1 (6) Monitor the processing of the application and, if any
2 further information is needed in support of the application,
3 contact the applicant about supplying the additional
4 information.

5 (7) When the permit is granted, transmit the permit to the
6 applicant.

7 (b) If a person is required to obtain more than one (1) permit in
8 order to do the wetland work the person intends to do, the
9 department of natural resources shall:

10 (1) under subsection (a)(3), inform the person of each permit
11 the person is required to obtain; and

12 (2) carry out its responsibilities under subsection (a)(4)
13 through (a)(7) with respect to each permit the person is
14 required to obtain.

15 Sec. 3. The department of natural resources and the department
16 of environmental management shall establish a single application
17 form for use under section 2(a)(4) through 2(a)(6) of this chapter.
18 The application form must be suitable for use in applying for any
19 permit.

20 Sec. 4. (a) The environmental rules board established by
21 IC 13-13-8-3 may adopt rules under IC 4-22-2 and IC 13-14-9
22 concerning the implementation of this chapter by the department
23 of environmental management.

24 (b) The department of natural resources may adopt rules under
25 IC 4-22-2 concerning the implementation of this chapter by the
26 department of natural resources.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1217, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1217 as introduced.)

Committee Vote: Yeas 9, Nays 2

Representative Wolkins

